

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA


JOSEPH GAITO,)	
Plaintiff)	
)	
vs.)	Civil Action No. 08-1298
)	Judge Donetta W. Ambrose/
PATRICK COLLINS, Agent of said Board;)	Magistrate Judge Amy Reynolds Hay
BOARD OF PROBATION AND PAROLE,)	
Defendants)	

ORDER

AND NOW, this 23rd day of March, 2010, after the Plaintiff, Joseph Gaito, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until March 15, 2010, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the complaint is dismissed for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.


DONETTA W. AMBROSE
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Joseph Gaito
AP-2274
SCI Waynesburg
175 Progress Drive
Waynesburg, PA 15370

All Counsel of Record by electronic filing